

REMARKS

The Specification has been amended to correct a typographical error. Claims 1 and 6 are amended. Claims 13-17 are added. Claims 8-12 are withdrawn. Claims 1-7 and 13-17 remain in the case. Claims 1-7 were rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner states that it is unclear what comprises the rigid shell and the outer soft shell. The rigid shell is reference number 23. The outer soft shell is reference number 16. These features are shown in Figs 2C and Fig. 3. The outer shell 16 includes a head portion 27, which is also shown in the drawings.

Claims 1, 3, 4, 5, and 7 were rejected under 35 USC 103(a) as being unpatentable over Choe (U.S. Patent No. 6398025) in view of Harking (D468384) or Colinelli (D403727). The rejection of the aforementioned claims under 35 USC 103(a) is traversed. Although Choe claims a rigid outer layer, the specification does not disclose that the outer layer is rigid. Claim 1 has been amended to further distinguish itself from the cited prior art. Claim 1 now requires that the rigid lightweight shell has a contoured shape of a predetermined animal forming a center inner cavity and an opposing outer surface and that an outer soft shell is securely attached to the outer surface of the rigid shell. In Choe, the "rigid outer layer" 21 is on the exterior of the head cover and a liner 22 is attached to the interior surface of the outer layer. This is the opposite configuration as disclosed and claimed in the present invention. Therefore, Choe teaches away from the present invention.

The Examiner states that either Harkins or Colinelli teach that it is known in the art to provide an animal shape in a head cover. The Examiner is looking at two (2) design patents and coming to the conclusion that they are in the shape of an animal. Looking first at Harkins, it is clearly shown that the head cover is merely an angular (square) configuration with eyes and antennas drawn or attached thereon. Further looking at Harkins it is obvious by the various views that the eyes are drawn on and are flushed with the golf club head cover material. It is clear by looking at Harkins that there is no creature in the animal kingdom having the flat planar and square shape configuration shown in Harkins. Similarly, looking at Colinelli, this design patent merely shows a semi circular configuration having eyes, a nose and a mouth drawn on the semi-circular head cover. Again, there is no known creature in the animal kingdom having a semi-circular head with eyes, nose, and mouth laying flush on the semi-circular

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configuration without any contour. Further, Harkin and Colinelli merely show caricatures drawn on the outside surface of the head cover, but do not address the contour of the inner rigid shell being the shape of a predetermined animal which is beneath the outer soft shell. Therefore it would not have been obvious to one of ordinary skill in the art to look at the designs of Harkins and Colinelli in combination with Choe to provide the invention as claimed in claim 1. Therefore claim 1 is believed to be allowable over the cited prior art.

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Choe and further in view of Rogers (U.S. Patent No. 6471947) or Solheim et al (U.S. Patent No. 4667716). Although claim 6 has now been amended to require soft fiber stuffing filling the cavity between the pocket and the rigid shell, the rejection to claim 6 is traversed. There must be motivation for combining the stuffing material in Rogers or Solheim to the head cover in Choe. There would be no motivation for including stuffing between the pocket of Choe and the rigid outer surface 21 since the head cover of Choe already discloses a cushionable sponge 22 sewn to the interior surface of the woven fabric and contacting the pocket 30. Therefore claim 6 is believed to be allowable.

Inasmuch as claim 1 is believed to be allowable. Dependent claims 2-7 are also believed to be allowable. New claims 13-17 have also been added. Claims 13 - 17 include features not shown or disclosed in the cited prior art.

This amendment should place this case in condition for passing to issue. Such action is requested. If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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